



## Effects of Employing or Contracting with Excluded Individuals or Entities

**Federal law prohibits MaineCare from paying providers that employ or contract with excluded individuals or entities.** If we receive information that a provider is employing an excluded person, we will inform the provider that they must either immediately terminate the excluded individual or provide clear evidence that the individual is not being reimbursed directly or indirectly from state or federal funds and is not providing services to MaineCare or Medicare members.

Failure to comply may result in the following consequences for a provider who employs or contracts with an excluded individual or entity:

- Termination of MaineCare enrollment and payment.
- Reimbursement of all payments associated with the excluded individual to MaineCare and Medicare.
- Reimbursement of the salaries or wages, including fringe benefits paid to the excluded individual.
- Civil monetary penalties of as much as \$15,000 per claim may be imposed.

DHHS also reports exclusion violations to the Healthcare Crimes Unit of the Maine Attorney General's Office and the U.S. Department of Health and Human Services' Office of Inspector General (OIG).

### Non-Reimbursable Items or Services

The information below is from the *1999 HHS-OIG Special Advisory Bulletin: The Effect of Exclusion from Participation in Federal Health Care Programs*.

This list provides examples of the types of items or services that are not reimbursable by MaineCare or Medicare if furnished, ordered, or prescribed by an excluded individual:

- Services performed by excluded nurses, technicians, or other excluded individuals who work for a hospital, nursing home, home health agency or physician practice, where such services are related to administrative duties, preparation of surgical trays or review of treatment plans if such services are reimbursed directly or indirectly (such as through a pay per service or a bundled payment) by a Medicaid program, even if the individuals do not furnish direct care to Medicaid recipients

- Services performed by excluded pharmacists or other excluded individuals who input prescription information for pharmacy billing or who are involved in any way in filling prescriptions for drugs reimbursed, directly or indirectly, by a Medicaid program
- Services performed by excluded ambulance drivers, dispatchers and other employees involved in providing transportation reimbursed by a Medicaid program, to hospital patients or nursing home residents
- Services performed for program recipients by excluded individuals who sell, deliver or refill orders for medical devices or equipment being reimbursed by a Medicaid program
- Services performed by excluded social workers who are employed by health care entities to provide services to Medicaid recipients, and whose services are reimbursed, directly or indirectly, by a Medicaid program
- Services performed by an excluded administrator, billing agent, accountant, claims processor or utilization reviewer that are related to and reimbursed, directly or indirectly, by a Medicaid program
- Items or services provided to a Medicaid recipient by an excluded individual who works for an entity that has a contractual agreement with, and is paid by a Medicaid program and
- Items or equipment sold by an excluded manufacturer or supplier, used in the care or treatment of recipients and reimbursed, directly or indirectly, by a Medicaid program